all persons concerned, directly or indirectly, in this re-tiance, or in any obstruction to its due execution, are by of an offence, and subjected to heavy punishment, criminally, and, also, by civil damages to the aggriced party. It is proper that the law should be understood, so that those, if any there be, who have made up their minds to disobey it, may be fully apprised of the conse-cuences.

so that those, if any there be, who have made up their minds to discbey it, may be fully apprised of the consequences.

The act, as you are aware, was passed for the purpose of carrying more effectually into execution a provision of the constitution of the United States—manuely, a part of the second sectioned the fourth article. That provision is as follows:—No person held to service or labor in one-State, under the laws thereof, escaphing into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

At the time of the adoption of the constitution by the convention, September 17.1187, slavery existed, I believe, to an extent, more or less, in each of the States them composing the confederacy; above one fifteenth of the population of New York were slaves. The proportion of the New England States was much less; also, in Pennsylvania and New Jersey about the same as New York. All the original States, therefore, were interested, more or less, in the adoption of this provision into the constitution, but more especially the Southern States, where, speaking generally and without strict accuracy, about half the population consisted of this class.

It was, however, anticipated that, in the progress of time, slavery, while it would increase in the South, would imminish and finally become extinguished in the North. So just was this provision regarded at the time by the members of the convention, and necessary for the security of this species of labor and the existence of friendly restations between the different members of the Union, that it was adopted without opposition, and by a unanimous yete.

It was of the deepest interest to the Southern States, laters.

rete.
It was of the deepest interest to the Southern States It was of the deepest interest to the Southern States, as without the provision every non-shaveholding State in the Union would have been at liberty, according to the general law of nations, to have declared free all runaway siarces coming within its limits, and to have given them harbor and protection against the claims of their masters. We need not say, at this day, that such a state of things would have led inevitably to the bitterest animosities, especially between border States, and have been the source of perpetual strife, and of the florrest passions between the Northern and Southern portions of the Binion.

The evil was felt at the time by the Southern portion, as the articles of confederation centained no such pro-

The evil was felt at the time by the Southern portion, as the articles of confederation contained no such provision; and it was to guard against it, and to lay a foundation that would afford future security, and preserve the friendly relations and intercourse of the States, that the previolen was incorporated into the fundamental law. No one conversant with the history of the convention, and particularly with the difficulties that surrounded this subject in almost every stage of its proceedings, can doubt, for a mement, that without this, or some equivalent provision, the constitution would never have been formed. It was of the last importance to the Southern portion of the Union, and could not have been surrendered without endangering their whole interest in this species of property. It is not surprising, therefore, that it is still adhered to with unyleiding resolution, and is made the groundwork of a question upon which the continued existence of a Union, thus formed, is made to depend.

The clause in the constitution is general, and the second of the constitution is general, and the constitution is ge

clause in the constitution is general, and simply

is made the groundwork of a question upon which the continued existence of a Union, thus formed, is made to depend.

The clause in the constitution is general, and simply declares that the clave escaping into another State, shall not thereby be discharged by any list or regulation of the State to which he has fled; but shall be delivered up on claim of the person to whom the service is due.

The mode of delivering up to the claimant is not prescribed, and, until regulated by law, continued to be the source of embarrassment to the masters, and of disturbance and disquictade among the States.

This led to the first anticlo Congress, passed 12th February, 1763, during the sitting of the second session, held noder the constitution. It was enacted by a body of men, several of whom had been distinguished members of the convention, and is framed in its leading features in the spirit of the provision of the constitution which it was designed to carry into effect. It is signed by Jonathan Trumbull, of Connecticut as Speaker of the House of Representatives. John Admas, Vice President, and President of the Senate, and approved by George Washington, President of the United States, and was passed on the argent recommendations of the Governors of Pennsylvania and Virginia, between whose States a difficulty had arisen in the surrender of a fugitive slare.

The first section can the subject declares. The first section can the subject declares that when any person held to inbor in any of the United States, or in either of the territories, under the laws thereof, shall escape into any other State or territory, the person to whem such have may be due, shall be authorized to seize, or arrest, such fugitive, and take him or her before any judge of the Circuit or District Courts of the Dairdel States, residing or being within the State, or before any judge of the Circuit or District Courts of the such after a court of the such as a court of the such as a court of the purpose of a court, die or town corporate, wherein such arrest and

ess the faithful discharge o

compatible with, or embarrass the faithful discharge of those which concerned the State.

Influenced by these views, or some other, the Legislatures of some of the States passed laws forbidding their own magistrates from acting under the law in the surrender of fugitives, and enforced the prohibition with heavy penalties. It is not doubted but that it was enthely competent for the State to prohibit their own magistrates from assuming the duty of executing the law, but it was held, in Preg vs. The Commonwealth of Pennsylvania, to be clear, that if not no forbidden, it was competent for them to act, and that the exercise of the authority under the law would be valid and binding upon all the parties concerned.

room assuming the duity of executing the law, but it was head, in Preg vs. The Commonwealth of Pennsylvania, to be clear, that if not so forbidden, it was competent for them to act, and that the exercise of the authority under the law would be valid and binding upon all the parties concerned.

This interference of the State Legislatures greatly paralyzed the execution of the law, and, indeed, had the effect, for the time being, to abrogate, virtually, the provision of the constitution. It left but one, or at most two officers in a State competent to execute it, as the power was thereby restricted to the District and Circuit Judges of the United States. Our own State, as early as 1850, forbid their magistrates from acting under the penalty of fine and imprisonment. (2 R. S., 404, 414)

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1850, forbid their magistrates, with the execution of the law of 1763, logicijer with the open resistance with which it execution was mat, in some instances, by combinations against law led, necessarily, to the Feema supplementary act, and to which I wish now particularly to call your attention.

This act is designed first, to substitute officers of the Soleral government in the place of these State magistrates, and incroad, to arm the officers with sufficient power and authority, to enable them to execute the law against any resistance, actual or throatened, and in what ever form it might be presented. The act has grown out of the exigence, and incroad a first for the law of the law of

to the claimant, ectting forth substantially the facts of the case.

This certificate is made conclusive orbitones of the right of the claimant to remove the fugitive back to the lists or territory from whomee he or she had escaped, and is declared to be sufficient authority to prevent all molestation of the claimant by any process based by any court, magistrate, or other person whomeover.

The act subjects to fine and insprisonment, and also to civil demages to the party agree vedany endievery person who shall knowingly obstruct. Induce of prevent the claimant or his agent from arresting the fugilities, either with or without process, or who shall rescue, or attempt to receive the same from the custedy of the claimant or his agent or who shall and or assist, directly or incirrectly, in the escape of the fugility, or who shall harbor or conceal the same so as to present the discovery and arrest after notice that such person is a fugility from actrice.

The act further provides that if the claimant or his

agent shall make affidavit, after the certificate is given that he has reason to apprehend a reasure by force, before the fugitive can be taken beyond the limits of the State in which the arrest is made, it shall be the duty of the marshal or officer making the arrest, to retain the fugitive state of the same to the State

ne the claimant or he segard; and to employ as many persons an he may down necessary to overcome such force; and to retain them in his service so long as in his judgment the circumstances may require.

These, together with some regulations as to the mode of proof before the judge or commissioner, embrace substantially every material provision of the act. And it will excite I think, some surprise, after the determined opposition to its passage, and even threatened, and, in this quarters, when it is seen that there is not a power conferred upon those appointed to administer it judicially, but what was conferred upon the judges and other State magistrates under the act of 1733—a law approved by Washington and Admins, and enacted by the fathers and founders of the republic—not one. It is simply, in this respect, a substitution of the commerce of the property of the state the superior of the superior o

such authority.

Conceding, however, the soundness of this general view, and the inability of the State triburals to interfere with the federal authorities, when they are acting upon cases arising under the constitution, laws of Congress, or treaties; still, it is argued, that they possess the power, under this writ, to inquire into the legality of the authority under which the prisoner is held; and which may involve the constitutionality of the law, and jurisdiction of the court or officers.

But is obvious that the existence of either power, on the part of the State tribunals, would be fatal to the authority of the constitution, laws, or treafies of the general government. No government could maintain the chainistration, or the execution of its laws, civil or criminal, if their constitutionality, or the jurisdiction of her adicial tribunals, was subject to the determination of another. We need not stop, however, to discuss this question, as it arose and was settled in the case of the United. ich authority.

Conceding, however, the soundness of this general view.

to the control of the control of the case of the United tarts vs. Peters (5 Cranch, 115), more familiarly known solimatend's case. The Legislature of Pennsylvania had assed an act declaring that the jurisdiction claimed by he District Court of the United States was unconstitutional, and empowered the Governor to resist the execution of its judgment.

Chief Justice Marshal in delivering the opinion of the case of the sevent observed.

that Justice Starmal in delivering the opinion of the saint, observed, "that, if the Legislatures of the several rates may at will, annul the judgments of the centre of the United States, and destroy the rights acquired under test judgments, the constitution itself becomes a solemn cekery; and the nation is deprived of the means of energing the laws by the instrumentality of its even tribudis." He further remarked that, "If the ultimate right determine the judgitation of the centre of the results. unis." He further remarked that, "If the ultimate right to determine the jurisdiction of the courts of the Union is pinced by our constitution in the several State Legislatures, then this net concludes the subject; but, if that power necessarily resides in the supreme judicial infolunt of the mation, then the jurisdiction of the District Court of Pennsylvania over the case in which that jurisdiction was exercised, ought to be most deliberately examined; and the act of Pennsylvania, with whatever respect it may be considered, cannot be permitted to prejudice the jurisdiction."

was exercised, ought to be most deliberately examined; and the act of Pennsylvania, with whatever respect it may be considered, cannot be permitted to prejudice the question."

I need of add that the judgment was regularly enforced, not withintanding the State act.

There have been different opinions entertained by the judges of the States, as to their power, under this act, to divide upon the validity of a commitment, or detainer, by the authority of the United States. But those, who have been inclined to entertain this jud-siletion, admit that it cannot be upheld, where it appears from the return that the proceeding belonged examined; the expression of the general government.

This necessarily results from the vesting of the judicial power of the United States which shall be made in porcurance thereof, and all teather shad, or which shall be made in procurance thereof, and all teather made, or which shall be made under the authority of the United States, which shall be made in procurance thereof, and all teather made, or which shall be those under the authority of the United States, which shall be made under the authority of the United States, which shall be reason through the rely, anything in the constitution or laws of the state to the centurary notwithstrading.

If the exclusive power to execute the act is in the federal judiciary, and one act is to be regarded as the supreme have of the land, and to be obeyed as after it is difficult to see by what right or authority its execution can be interfered with through the agency of this writ by State authorities. Any such interference would seem to be a direct infraction of the can-ditution.

It is proper to say, in order to guard against misconstruction. I do not claim that the mere fact of commitment or detainer by unofficer of the federal government, bears the issuing or the exercise of the power under this writ. Far from it. Those officers may be guilty of filegal restraints of the lifered that it is not doubted and it is the dury of the officer to obey the

know their rights and their duties. If, unfortunately, by possibility, any such exigency should arise.

These views of the personount authority of the laws of the federal government in no way endangers the liberty of the citizen. The write of below copyes secured to him under that government, affords the appropriate and effectual rame dy for any illegality in the process, or wand of jurisdiction of the court, or for any unconstitutionality of the law. The remedy is as prempt and summary, as when submitted they by the state judiciary, and, in the way, by conceding to each government the free, and un-

to the washing of our most complex system of government.

The views we have presented will explain a provident in this act of 18.0, which is somewhat observe. Lattude to the last clause of the slath section, which declares that the certificate granted to the claimant to remove the fugitive "shall prevent all mole-tuiton of such person or persons by any process buncately any court, Judge, magistrate or other person who means over."

This clause doublets, includes, among other process, the State writ of below couples. It could not have intended, or, at heast, slight not to be construed as intending to embrace that with when issued by the federal judiciary, as Congress did not possess the powers to suspend it. As it properts the State will we have seen, from the views

expressed, that it is but declaratory of the existing law, and not the introduction of any new principle. Without this clause the paramount authority of the certificate would have been the same so far as that process was concerned. It has been made a question upon this act, whether or not it was competent for Congress to confer the power upon the United States Commissioners to carry it into execution. As the judicial power of the Union is vested in the Supreme Court, and such inferior courts as Congress may, from time to time establish, the judges of which shall hold their offices during good behavior, it has been supposed that the power to execute the law must be conferred upon these courts, or upon judges possessing this tenure. It is a sufficient answer to this suggestion that the same power was conferred upon the State magistrates under the act of 1783; and which the case of Pregg vs. the Commonwealth of Pennsylvania, was held to be constitutional by the only tribunal competent, under the constitution to decide that question. No doubt was entertained by any of the judges in that case, but that these magistrates had power to act, if not forbidden by the State authorities.

The judicial power mentioned in this section, and vested in the courts, means the power conferred upon courts ordained and established by and under the constitution in the strict and appropriate sense of that term;—court that comprise one of the three great departments of the government, prescribed by the fundamental law, the same as the other two—the legislative and the executive But, besides this mass of judical power belonging to the established courts of a government, there is no inconsiderable portion of power, in its unture judicial—quasi judicial—invested, from time to time, by legislative and the executive But, besides this mass of judical power belonging to the established courts of a government, there is no inconsiderable portion of power, in its uniture judicial—quasi judicial—invested, from time to time, by legislative and the

held to be clearly constitutional in all its leading provisions.

The proceeding contemplated by the clause of the constitution in question, is not a suit at common law, within the meaning of that amendment. It settles conclusively no right of the claimant to the service of the fugitive, except for the purpose of the removal to the State from which he or she fled—no more than the proceeding, in the case of a fugitive from justice, for the purpose of removal, settles his guilt. The question of right to the service in the one case, and of guilt in the other, is open to a final hearing and trial in the States from whence they have escaped. After the arrival of the fugitive there, the certificate is no longer of any authority, or evidence of any right.

Indeed, so obviously does the constitution contemplate a summary hearing and decision in the matter that the caused for the State of Pennsylvania, in the case referred to, did not make it a point or call it seriously in question on an argument.

I have now gone over the several provisions of this law, and seme of the more material questions arising out of it, and, if I am not greatly mistaken, have shown that all the leading features of it—all the principles involved—have been either confirmed by the only tribunal competent to pass upon them, or are so obvious, that no lawyer, I think, can entertain a well grounded doubt about them, and that Congress has but obeyed an imperative constitutional obligation in its enactment.

It is a law, therefore, which every citizen is bound to obey, and the public authorities to enforce with all the powers conferred upon them by the government.

The legislatures of some of the States have passed law bearing directly upon this provision of the constitution, and upon its execution in the mode prescribed by Congress. So far as these laws are in conflict with the provisions of the one in question, or tend to abstruct and embarries and in the subject of the constitution, and upon its execution, they are unconstitutional, and the test of

It is not important here to express any opinion upon these different views; for, whether the one or the other shall finally prevail, the result is the same. In either view, a law in conflict with the act of Congress is void, and of no effect.

It is not to be disguised, that the legislation of most, if not all of the Northern States, tending to embarrass, and, in some instances, to annul the provision of the act of 1735, has strongly impressed our Southern brethren with the conviction, that these States have resolved to throw off that constitutional obligation. They take it for granted, and it is difficult to deny the inference, that the acts reflect the general sentiment of the people on the subject; and that it must have become deep and abiding, to be sufficiently powerful to mould the State legislation.

It is this legislation, more than occasional riotous assembles in resistance of the law, that has forced been to

It is this legislation, more than occasional riotous assembles in resistance of the law, that has forced them to the question, whether the Union, with this provision of the fundamental law rejected and contemmed—a provision vital to the rights and interests of that portion, and without which the Union would never have been formed—is to them a blessing or a curse? A question raised, not by disaffected and tunultuous assemblages, often very equivocal evidence of the real sentiment of the public mind, but by the people of the States through their organized governments—a question examined and discussed in the mode and through the agencies that examined and discussed that of entering into the Union at the adoption of the constitution.

This question has been raised by fifteen States of the confederacy, six of whom were original parties to the

at the adoption of the constitution.

This question has been raised by fifteen States of the confederacy, six of whom were original parties to the confederacy, six of whom were original parties to the compact. It has been examined and considered over and over again, by the Governors in their public measures; by the representatives in their legislative inile; by the people in their primary assemblies; and by the press; and they have come to the resolution—one and all—that if this hestile legislation is carried into effect, and the constitutional obligation no longer athered to by their Northern brethren, but thrown off, disregarded, and contemmed, the Union is no longer a blessing, and should be dissolved—that the abrogation of one material prevision of the fundamental law is destructive of the compact, and the portion of the Union for whose benefit it was adopted, and whose rights and interests are thereby endangered, is absolved from its allegiance.

This, I believe to be the settled conviction and sendiment of fifteen States of this Union, and it presents an issue of the greatest spect, and one that can neither be evaded or suppressed.

It is an issue which the Northern States must determine for themselves. That laws exist on the statute books of mest, if not all, of them, in conflict with the act of Congress, and repugnant to into provision of the provision, is not to be denied. If remains for these laws would be a virtual abrogation of the provision, is not to be denied. If remains for these States to determine whether they are to remain on the statute book a doad letter, or be repealed.

These are questions of transcendent import; for the decich hather than the principus are entertibled, and, doubter honestly entertained, that the Union has not been at any time in danger, and is not now. I wish these opinions were well founded. My deep conviction and belief is, that it depends, at this moment, upon the confidence inspired by the late proceedings in Congress, and by the indications of public sentiment in th

broken faith on the one the other, the other, the other.

Neither can the motive for breaking the compact afford.

Neither can the motive for breaking the compact afford any spology or justification.

If the article may be set acide by one portion, because it is repugnant to their sense of right and justice, another may be, because it is against their interest.

No State shall, without the consent of Congress, by any imposts or duties on imports or exports by an article of this fundamental law. Suppose New York, deeming this sritlete prejudicial to her interests, by crippiling too much her resources and revenue, should levy duties upon the immense trade and exchange now existing, and continually increasing, between the great west and our neighboring sister. Pennsylvania, for which we afford so extensive a market, would the motive afford any excuse for the infraction of the constitution? And yet, looking to the compact, and to the constitution? And yet, looking to the compact, and to the constitution and onligations arising out of it, and binding all, this motive is just as available as any other to excuse or justify the infraction.

United States District Court.

Harontant decisions in admiratity,

By Hon. Judge Betts.

Joshua Crosby vs. Moses H. Grimnel and others.—
The libellant was master of the brig Frederick, and brought from Rio Janeiro to New York part of a cargo of hides, consigned to the defendants. They resist the payment of freight because the hides were delivered here in a damaged condition from wet. The libellant insists, the damage, if incurred at sea, was oceasioned by the blowing of the vessel, and that the loss falls on the owner of the goods. A bill of lading was signed by the libellant at Rio acknowledging the lading of the hides on board, "perfectly dry and well-conditioned," and binding him to deliver them to the defendants, at New York, on receiving freight, &c. There was no qualification of his liability on account of dangers of the seas or other causes, other than a memorandum at bottom, "weight unknown." The Court held that sea-going vessels, transporting merchandise for freight, are common carriers, and the master and owner liable to the responsibilities of common carriers at common law. That if the parties annex no qualification by agreement, to the undertaking of the master, the marine law applies none, and the master and owner are bound absolutely to deliver the goods as received, except prevented by the net of God or by public enemies; that the bill of lading in this case made the libellant an insurer for the safe delivery of the cargo; that if the blowing of a vessel is anything other than a peril of the sea, it is not an incident to navigation which cannot be prevented or avoided by human means; that it is different to the sweating of a vessel, which is caused by atmospheric influences, change of climate, &c., and is not under human control; but that, upon the proofs, proper precaution in stowage, or keeping the ship dry, will prevent the water thrown up between the sides and shin of the vessel by the rolling of the sea from being forced through (which is called blowing), to the injury of the cargo. Held, al thereof.

Clarles Germain vs. James Garvie.—This case

clarles Germain vs. James Garvie.—This case was heard upon the pleadings and proofs before Judge Judson, and a decree rendered for the libellant, an order of reference made to a commissioner to state the balance due the libellant on the accounts between the parties. The libel demanded §1,468 96. The commissioner reported due him §419, and the report was confirmed, and a final decree rendered for that sum. The defendant insists the libellant is not entitled to costs, and should pay costs, because the dealings between the parties was a partnership transaction, and because the defence has succeeded in reducing the demand made by the action to less than one-third the sum claimed. Held, that the question of the right of the libellant to sue in this court, and of partnership between the parties, was raised by the pleadings and disposed of by the decree; and that defendant cannot, by exception to the commissioner's report, or on motion for costs, go beh n I that decision. Held that the answer denying in toto the flibellant's right to recover, and thus putting him to prove his whole demand, no equity in respect to costs arises in favor of the defendant, because he has succeeded in the litigation in lessening the recovery. The issues were in substance decided in favor of the libellant; the amount to be received on that determination of his right was matter of accounting before the commissioner. The party who succeeds on the merits is usually cutitled to costs in Admiralty as well as in Chancery. Order for costs to the libellant; the amount to be received on that determination of his right was matter of accounting before the commissioner. The party who succeeds on the merits is usually cutitled to costs in Admiralty as well as in Chancery. Order for costs to the libellant; the amount to be received on that determination of his right was matter of accounting before the conditional sum of §8 for extra charge in unloading them, amounting in all to \$171.50. The defendant tendered and paid into court. \$73.92, claiming damages

level, and between the edges to prevent their striking tegether; and this was proved to have been good and proper storage. The passage was very rough and the ship was thrown on her beam ends once or more, and the cargo shifted so as to give her two streaks or feet list. Held, that under the exceptions to the bill of lading, the libellant was only answera-ble for misconduct on the omission of proper care and diligence in stowing and taking care of the car-go, and to such delinourous being proved against go, and no such delinquency being proved against him he was entitled to full freight. Decree ac-

cordingly.

William Harold, Jr. vs. Timothy Casey.—This William Harold, Jr. vs. of fact, as to whether case turned upon a question of fact, as to whether the defendant was liable to the libellant, or to a perthe defendant was liable to the beginning for the freight and the defendant was liable to the libellant, or to a person by the name of McGuire, for the freight and transportation of various cargoes of stone, in the sloop Judson, to a dock in this city. Held, that the testimony clearly proved the libellant entitled to the money, and that no contract was proved by the defendant with McGuire, for the work. If such agreement had existed, by accepting the stone from the libellant's vessel, and making a partial payment towards the freight, the defendant admitted, in law, his children in the work the full freight money. Brook of the stone of the stone

the libellant's vessel, and making a partial payment towards the freight, the defendant admitted, in law, his obligation to vay the full freight money. Decree for the libellant.

Alzabam Cuchuns & Co. vs. Rausom Beman.—
This suit is against the defendant, as owner of the sloop William Bayard, to recover for supplies farmished ber. The answer denkes the defendant was owner of the sloop, and avers that she was owned by Abiridge, and that the supplies were furnished on the credit of the owner, defendant being only master. In bar of the action, the answer further set up the discharge of the defendant from all his debts under the insolvent law of this State, since the debt was contracted, he and the libellant being at the time of the proceedings, and discharge, residents of this State. A general replication to the answer was put in. The libel was filed Nov. 24, 1849; the answer, March 8, 1850; and the replication, March 22d. On the 8th of January, 1851, the usual order of reference was made to a commissioner by consent of both parties; and on the 27th the report of the commissioner was filed, certifying a small belonger due the libellant. start it depends, at this moment, upon the conductors inspired by the lark proceedings in Congress, and by the indication of public sentiment in the free States, that the conductoral chilgistion will be becaute caceuted that the friends of the Union in the staveholding States, we maintain their accordancy, and the displance of their States, by the confidence thus incpired. And that cace of any action on the part of the Northern States, entire of the Oddingtion, it would not be in their power to instant their protition; and, it may add, they would not, if they could.

If may one dispesses that this Union can be preserved, which is the compatibility of the States comprising it is decayly and ericordly interested. The provision of the frondamental have goin which it rests, is broken, and thrown to the wind, by one will be a seen approached in which nearly one-half of the States comprising it is decayly and ericordly interested, and expect to proserve for a leading of the Lindon can have seen the motive of the edition of a part in which the fact that the latest and the contrast of the carner upon the calcular and moved it to a hearing, when there was no issue between them object to proserve for a leading of the table of the fact of the behalf with the state of the carner upon the calcular and moved it to a hearing, when there was no issue between them to doubt it will be by a stern adherence to this fundamental alw, and to every part and parcel of it, so one section of the table and allowed state of the carner to the car

the court had it elearly prese that Dunkin del The court had it learly prese that Dunkin del The court had it learly prese that Dunkin del The Court had the learly country that his birth and that the weight of evidence was that his birth and that the weight of evidence was that his birth and that the weight of evidence was that his birth and that the had the his high and that the notes given October 25, 189, not being approved or affirmed by him since he became of age were not binding upon him, even if O'Hearn had authority to give notes in the name of the firm of age the 26th of October, he was not bound by notes then executed by O'Hearn, in the name of the partnership, solely on his authority as a member of the former copartnership, although to settle partnership, solely on his authority as a member of the former copartnership, although to settle partnership debts. Held, that Kimball and O'Hearn being alone liable on the charter contract, when the court of the light of the court of the light of the court of the old debt. Held that the charter contract was of a maritime character, and as such, suable in admiralty; and if the notes given superceded the right of action for the time, on the original contract and the surrendering, those notes became re-integrated to their right of action on the 25th of October must be regarded definitive as to the amount due the libellant by surrendering, those notes became re-integrated to their right of action on the 25th of October must be regarded definitive as to the amount due the libellants, and they are entitled to a decree against Kimball and O'Hearn for 25.550, with interest from that date and cests. Ordered, that the libel as to Dunkina, be dismissed, without costs. Costs would be awarded against him had he been guilty of any deep to the contract of a cost of the contract of the court of the contract of the contr

ticular vessel by proceeding in rem against the vessel. It having been decided in this Court, by Judge Judson, on a similar claim against this ship that credit was given exclusively to the builders, and that the vender had no right of resort to the

and that the vender had no right of resort to the justness of that decision, but the judgment of the Court in this case is more particularly placed upon the meaning and effect of the State statute and extent of privilege against vessels under these tacit leins.—Decree dismissing the libel.

George B. English vs. The Ocean Stam Navigation Company.—The libellant imported several cases of kid gloves and fine silks, from Havre to New York, in the steamship Hermann, owned by the respondents. The goods, when delivered here, were found very hot and crisped, or baked, spotted and rotten, and damaged, according to appraisement, to the amount of \$1.850 (3-100). To recover which, this action is brought against the respondents, owners of the ship. The defendants answer, that the cases were well and carefully stowed, and that no notice was given to the master of the ship, or agents of the defendants, that the goods required any peculiar care or stowage. It was proved that the ship encountered very heavy and tempestuous weather, and that the dash boards in the boilers gave way from the violent pitching of the ship, and rivets were wrenched out, causing the escape of an unusual amount of steam into the body of the ship, and that she also shipped heavy seas during the storm. They also proved that the goods were of a delicate character, very susceptible to injury from external dampness on a voyage, and are subject to stains and spotting if packed when damp, giving them, externally, an appearance like that exhibited in these goods. The bill of lading, put in evidence, admitted the cases of merchandise were received on board in good order and condition, and engaged to deliver them at New York in like good order and condition, (the acts of God, enemies, pirates, restraints of princes or rulers, fires at sea and on shore, accidents from machinery, boilers, steam, or any other accidents for machinery, boilers, steam, or any other accidents of the seas, rivers and steam navigation, of whateover nature or kind excessive deviation on t

ges sustained by the goods.

Jihn Richardson vs. Capt. Eldridge, of ship Gircher-Suit for wages of a seaman brought home the ship, and not articled as one of the crew. The proctor of the libellant by an oath, proves that the defendant admitted there was \$16 due the libellant, the contact of the contact of the libellant. and agreed to pay it with the costs. Objection was taken by the defendant that the proctor is an incompetent witness to prove the case for his client.

Held by the court, that in this State, an attorney is received as a competent witness in court for his client, althoughin England and in some of the United States districts, the rule appears to be otherwise. On the cross-examination of the witness, he stated, that the defendant denied he was bound to pay the libellant's wages, as he had never shipped him, and because he deserted the ship immediately on her arrival in port—that the witness told the defendant the circumstances did not protect him from his liability to the libellant, and read authorities to him, to prove it was so, and, therefore, the defendant made the premise. He first insisted the witness should go to his lawyer for the money, which witness refused, and then defendant engaged to pay it on beard the ship. The court held that the testimony of an attorney or proctor swearing for his client must be received with great caution and distrust, when not corroborated by any other evidence; and more particularly when he swears to admissions made to him by the adversary party. It affords opportunity for great injustice. It is a dangerous position for the parties to hold in a cause, and courts will always discourage that species of evidence. Still the law admits the evidence as legal, and when the witness is every way credible, reasonable weight must be given it. Held, that thought in so far as the rights of his client were personally concerned, the evidence may have effect, yet, in the matter of costs, resting wholly in the discretion of admirality courts, the proctor ought not, in principles of policy, to be permitted to recover costs upon his own evidence alone. Decree for \$16, without costs.

admirally courts, the proctor ought not, in principles of policy, to be permitted to recover costs upon his own evidence alone. Decree for \$16, without costs.

Somed C. Nelson vs. Thomas Bell and others.—This was an application to set aside, vacate, and annul the proceedings upon the libel filed January 13, 1851, and the order endorsed thereon to hold the defendant to bail in \$2,000. Notice of the motion is dated February 11, 1851. On the 17th of January the defendant applied to the court, on motion, to discharge the defendant Bell from arrest in this cause, and also that the process of attachment issued therein be dissolved. This motion was argued before the court, by counsel for both parties, and after consideration was denied. All particulars brought forward in this motion were involved in the former one, except, the proctor of the defendant had not then discovered that the officer taking the oath of the libellant to the libel, had omitted to affix his name to the jurat. The Court held that it was not allowable for a party to bring into discussion and review the same matters by means of a succession of motions. He is bound, on his first application, to bring before the Court all the particulars known to him, or which by reasonable diligence he could know, applicable to his case; and the decision rendered upon the motion becomes conclusive upon all matters properly involved in it. Held, that if an oath is duly administered by a competent officer, a libel is thereby legally verified without his signature to the jurat. The signature does not constitute the oath, it is no more than prima facte evidence that such oath was taken. It may be disproved on trial, or the taking of the oath may be established, by evidence aliunda the jurat. Here the objection is strictly technical, as the clerk swears he duly administered the oath, and so informed the Court before this motion was made, and that his signature to it was casually omitted. If a motion is made, founded upon an affidavit not having the jurat signed, objection wied with costs

Court of General Sessions.

Before the Recorder and Aldermen Morgans and Relly.
APRIL 7.—The April term of the Court of Sessions commenced this morning. The following is the

Calendar of Cases.—Murder. 2; assault and battery, with intent to kill, 2; abduction, 1; abandoning an infant in the street, 1; bigamy, 1; forgery, 3; burglary, 16; grand larceny, 18; embezzlement, 1; petit larceny, second offence, 1; total, 46 new cases. Of old cases, there are indicted, 7; convicted, 3; bastardy, 1; abandonment, 2; total, old and new, 59.

The Grand Jury.— Of the gentlemen summoned to serve as grand jurors, twenty-one appeared, and were duly qualified. The following are their names Stephen Van Nostrand, foreman; Thomas Brown, Washington Brockner, Benjamin Bateman, Matthias Bloedgood, John O. Fay, Albert Gainsey, Timothy Garrick, John W. Howe, John Hutton, David S. Jackson, Leonard L. Johnson, Charles C. Leigh, Caleb S. Merritt, Robert McCoy, Lorenzo Moses, John G. Nelson, Charles Olmstead, Horatio Reed, Aaron Swarts, James B. Taylor. The Recorder charged the members in relation to their duties, and called their attention to certain statutes of our State, which the law requires that the grand jury be reminded of every term. The grand inquest then retired to their chamber to commence the work.

Petit Jury.—The list of petit juror.

then retired to their chamber to commence the work.

Petit Jury.—The list of petit jurors being called, 45 answered to their names.

Jurgrs —mal.—Seven gentlemen summoned to serve as petit jurors, and twenty-three summoned to serve as petit jurors, were fined \$25 cach, for non-attendance.

Albertis Bailal.—The counsel for Allen Burtis, well known to the police by the name of Alburtis, yesterday morning applied to the court to have the bail of the defendant reduced from \$1,500, at which it had been fixed by Judge Bebee. The charge against Burtis is that of grand larceny, in the alleged stealing of a diamond brooch, worth \$125, from the store of Messrs. Tiffany, Young & Ellis, of Broadway. The court reduced the bail to \$1,000. John A. Briggs, of Walker street, in the Fifth ward, became bail in that amount, and Burtis was discharged from custody.

Court of Oyer and Terminer.

Before Hon. Judge Mitchell, and Aldermen Griffin and Dodge.

Arm.7.—The grand and petit juries were called and discharged, the former for a week, the latter for a fortnight, and the court was about to adjourn when Mr. Chas. H. Carpenter said that he had a motion to make in the case of the people against Chas. H. Carpenter.

to make in the case of the people against Chas. H. Carpenter.

The court remarked that the motion had better stand over till Monday next.

Mr. Carpenter said he had reselved a notice from one of the counsel in the case, intimating that he was willing that a nolle proseque should be entered.

The District Attorney said that he was counsel for the people and no private counsel had any authority from him to enter a nolle proseque. He then moved that the case of John and Sarah Watson, charged with arson, be sent back to the sessions, so as to be tried there this week. The District Attorney also moved that the case of Rufus Mecch, and the two indictments against Chas. H. Carpenter (at the suit of the Kidd Salvage Company) be sent back to Sessions.

These motions were not opposed. The court ordered the cases to be sent to the Sessions, and the Oyer and Terminer took a recess to Monday next, the 14th inst., when prisoners will be brought up-and arraigned.

ARREST OF A MURDERER IN MISSOURS.—Yesterday afternoon, two gentlemen, named Peter Huff and Chas. Cretcher, came down on the steamer Saranac, having in custody a man named James Massey, whom they arrested on Monday last, at his residence in Wright county, Missouri, for the murder of a man named John Brown, in the county of Meigs, in the State of Tennessee, some time last, May. The circumstances of the murder, as we have them from Mr. Huff, show the deed to have been one of the most horrible, cold blooded, and findish acts, whose record has ever stained the anneals of crime in this or any other country. The circumstances, elicited, as we learn, at the coroner's try, are briefly these: An illicit connection existed between Massey and a woman of bad character, in the neighborhood where both he and the murdered man resided, in the before-mentioned county; and on account of an intimacy which had spring upbetween the latter and this woman, a feeling of jealously was harbored by Massey, who, on several occasions, threatened to take the life of Brown, which he finally accomplished in following manner: and Entieting his intended victim, under some reasonable pretext, to a lenely place in the neighborhood of his own dwelling, he, in the presence of the woman spoken of, offered him a flask of liquor, and, while he was in the act of drinking, struck in in a blow on the ferehead with a large piece of rock, which knocked him down, when he syrang upon him, and, with the extent of his brutcher, as if unsatisfied with the extent of his brutcher, as if unsatisfied with the extent of his punch him, and, with the same weapon, literally mashed in his face and a portion of his centl.—And then, as if unsatisfied with the cavent of his purpose, and the body of his victim. After having accomplished, the bloody deed the murderer fled, leaving the woman with the body. The woman was immediately arrested by Mr. Huff a short time after Chastas, and appearing before the Coroner's lying, testified to the foregoing facets. A true bill for murde

That were 167 deaths in Philadelphia during the week